

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

James Tettenhorst, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

Lindt & Sprungli (USA), Inc.,

Defendant.

Case No. 1:23-cv-00194-JL

**PLAINTIFF’S ASSENTED-TO MOTION TO TRANSFER TO THE UNITED STATES
DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK**

Plaintiff James Tettenhorst (“Plaintiff”) moves the Court to transfer the above-captioned action, immediately and in its entirety, to the United States District Court for the Eastern District of New York, in favor of the nearly identical, first-filed case of *Gralia et al. v. Lindt & Sprüngli (USA) Inc.*, Case No. 1:23-cv-01186-AMD-RER (“*Gralia*”), currently pending there before the Honorable Judge Ann M. Donnelly, so that this action may be consolidated with five other substantially identical putative consumer class actions that have been filed against Lindt & Sprüngli (USA) Inc. (“LSUS”). As grounds for said motion, the parties state as follows:

On February 13, 2023, the first-filed *Gralia* action was filed in the United States District Court for the Eastern District of New York, based on allegations substantially identical to those here.

On February 13, 2023, after *Gralia* was filed, *Goldstein et al. v. Lindt & Sprüngli (USA), Inc.*, Case No. 1:23-cv-01213 was filed in the United States District Court for the Southern District of New York, based on allegations substantially identical to those here.

On February 28, 2023, *Howard v. Lindt & Sprüngli (USA), Inc.*, Case No. 2:23-cv-00243 was filed in the United States District Court for the Northern District of Alabama, based on allegations substantially identical to those here.

On March 8, 2023, *Newman v. Lindt & Sprüngli (North America) Inc.*, Case No. 1:23-cv-01972 was filed in the United States District Court for the Southern District of New York, based on allegations substantially identical to those here.

On March 17, 2023, Plaintiff filed the above-captioned action.

On April 4, 2023, *Khalili v. Lindt & Sprüngli (North America) Inc. and Lindt & Sprüngli (USA) Inc.* was filed in the United States District Court for the Central District of California, based on allegations substantially identical to those here.

Counsel for parties in the other five actions have conferred and agree to transfer and/or consolidate those actions with the first-filed *Gralia* action and the parties in those actions are working on accomplishing that.

The parties in this action have conferred and agree that the above-captioned action should be transferred to the United States District Court for the Eastern District of New York so that it may be consolidated with the first-filed *Gralia* action currently pending there in front of the Honorable Ann M. Donnelly. The parties further agree that the transfer of this action serves the interests of judicial economy and conservation of the Courts' and parties' resources because it enables the six actions to be consolidated so that the litigation may proceed without duplication of efforts.

WHEREFORE, Plaintiff respectfully requests that this Court enter an order transferring the above-captioned action immediately and in its entirety to the United States District Court for the Eastern District of New York, so that it may be consolidated with the first-filed *Gralia* action currently pending there in front of the Honorable Ann M. Donnelly.

Dated: May 5, 2023

Respectfully submitted,

/s/ Roger Phillips

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CERTIFICATE OF SERVICE

I hereby certify on this 5th day of May 2023, the same date that the foregoing document was filed, a copy of the foregoing document was served via this Court's ECF system to counsel of record who have filed appearances in this matter, and via electronic mail to the following:

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/s/ Roger Phillips